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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,123	12/19/2001	Moise Gaspard	1400.1374880	2820

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EXAMINER

TRAN, PHUC H

ART UNIT	PAPER NUMBER
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2471

MAIL DATE	DELIVERY MODE
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11/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 35-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson et al. (U.S. Patent No. 6570867 B1).

- With respect to claims 35, and 37, Robinson discloses an apparatus for discovering logical links associated with network devices comprising:

a network management system (Fig. 11) comprising:

a database of managed network devices (block 22 in Fig. 11 and Fig. 10 shows the DB manager 46);

a database of logical links associated with the managed network devices (block 25 in Fig. 11 with storing paths);

a network communications system for sending messages to managed network devices and receiving messages from the managed network devices (e.g. data collector 21 to send and receive message from NE 24);

a message analysis system for determining local interface address information and next neighbor address information from messages received from the managed network devices (e.g. the server 22 analysis the paths).

- With respect to claim 36, Robinson further comprises a logical link display for displaying the logical links (e.g. GUI 23 in Fig. 5).

- With respect to claim 38, Robinson discloses a logical link information comparison system for comparing local interface address information and next neighbor address information obtained from messages received by from the managed network devices with endpoint information for the logical links stored in the logical links database (block 60 in Fig. 5).

- With respect to claim 39, Robinson discloses wherein the first and second messages comprise messages using the SNMP protocol (col. 18, lines 23-24; col. 3, lines 2-4).

- With respect to claim 40, Robinson teaches a managed network device identification system for identifying managed network devices associated with the next neighbor address information received from the managed network devices (e.g. block 55, 56 in Fig. 5).

Response to Arguments

3. Applicant's arguments filed 6-30-2009 have been fully considered but they are not persuasive.
4. Regarding to Applicant's argument that "the cited reference fails to disclose a database of managed network devices; database of logical links associated with said managed network device...." Examiner respectfully disagrees. Applicant has failed to point out what the different between the claim's invention and the reference such as above rejection.

Allowable Subject Matter

5. Claims 1-34 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2471

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC TRAN whose telephone number is (571)272-3172. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on 57127233179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/PHUC H TRAN/

Examiner, Art Unit 2416